

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>KIMBERLY LOCKWOOD,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3: 23-cv-506</b>
	)	<b>Judge Campbell / Frensley</b>
<b>WILLIAMSON COUNTY SCHOOLS</b>	)	
<b>Defendant.</b>	)	

**REPORT AND RECOMMENDATION**

This pro se 42 U.S.C. § 1983 action is before the Court on review of the file. Plaintiff Kimberly Lockwood filed her complaint on May 18, 2023. Docket No. 1. By order dated October 2, 2023, the undersigned granted plaintiff until October 17, 2023, to effectuate service on defendant Williamson County Schools and to show cause why this case should not be dismissed for failure to prosecute. Docket No. 8. On November 1, 2023, Lockwood filed a summons labeled as “executed[,]” including a certified mail receipt signed with the term “agent” rather than a name. Docket No. 9, p. 2. The document filed by Lockwood is deficient in that it does not demonstrate personal service on defendant by a person who is not a party.

Accordingly, in a second order dated November 27, 2023, the undersigned again granted Lockwood additional time, up to December 15, 2023, to effectuate service on defendant. Docket No. 10. In both orders, Lockwood was forewarned that failure to comply with the undersigned’s order may result in her action being dismissed. Docket Nos. 8, 10. The December 15, 2023, deadline has passed, and it has been over 220 days since plaintiff filed her complaint.

Rule 4(m) requires that defendants be served with process within 90 days of the date the action was filed, and provides that, in the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "must dismiss" the action without prejudice.

Because Defendant in this case have not been served with process within the time period set out in Rule 4(m), the action should be dismissed.

For the reasons set forth herein, the Court respectfully recommends this action be **DISMISSED WITHOUT PREJUDICE** in accordance with Rule 4(m) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).



**JEFFERY S. FRENSLEY**  
**United States Magistrate Judge**